

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**FILED**

NOV 20 2003

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY /s/ [Signature] DEPUTY CLERK

Board of Regents, The University of Texas  
System, and 3D Systems, Inc.

Plaintiffs,

v.

EOS GmbH Electro Optical Systems,

Defendant.

Civil Action No. A03 CA 113SS

**DECLARATION OF PHILIP E. COOK  
IN SUPPORT OF PLAINTIFFS' SUPPLEMENTAL *MARKMAN* BRIEF**

I, Philip E. Cook, declare as follows:

1. I am a partner with the law firm of Jones Day, counsel of record for plaintiffs Board of Regents, The University of Texas System, and 3D Systems, Inc. in the above-captioned action. I am duly licensed to practice law in the State of California, and have been admitted to this action *pro hac vice*. I have personal knowledge of the facts stated in this declaration, and I could and would competently testify to the matters set forth below if called upon to do so.

2. Attached as Exhibit 20 is a true copy of the cover page, pages 14-15, 24-25, 36-37, 42-43, 50-52, 54-55, 74-75, 84-85, 96-97, 131, 134-135, and 137, and the reporter's certification from the deposition transcript of Allan J. Lightman, Ph.D., November 17, 2003 deposition.

3. Attached as Exhibit 21 is a true copy of Dr. Lightman's September 3, 1996 Expert Witness Report submitted by DTM Corporation in the Midwest litigation, which was marked as Plaintiffs' Exhibit 9 at Dr. Lightman's November 17, 2003 deposition.

4. Attached as Exhibit 22 is a true copy of a 1986 article entitled "Effect of Powder Particle Morphology on the Sintering Behaviour of Polymers," which was marked as Plaintiffs' Exhibit 5 at Dr. Lightman's November 17, 2003 deposition.

5. Attached as Exhibit 23 is a true copy of U.S. Patent No. 5,658,412 assigned to EOS GmbH Electro Optical Systems ("EOS").

6. Attached as Exhibit 24 is a true copy of U.S. Patent No. 5,908,569 assigned to EOS.

7. Attached as Exhibit 25 is a true copy of an excerpt from the document entitled, "Operation EOSINT P 700" (bearing production numbers EOS1352 through EOS1490 and produced to Plaintiffs by EOS in this litigation).

8. Attached as Exhibit 26 is a true copy of promotional materials available on EOS's website <[www.EOSint.com](http://www.EOSint.com)>, downloaded on November 19, 2003.

I further declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 20th day of November, 2003 at Los Angeles, California.



---

Philip E. Cook

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served in the following manner to the following counsel of record on this 20th day of November, 2003.

Thomas H. Watkins  
Albert A. Carrion, Jr.  
HILGERS & WATKINS P.C.  
98 San Jacinto Boulevard  
San Jacinto Center, Suite 1300  
Austin, Texas 78701  
(512)476-4716  
(512) 476-5139 Facsimile

*Via Certified Mail*

Michael H. Baniak  
Michael D. Gannon  
BANIAK PIKE & GANNON  
150 N. Wacker Drive, Suite 1200  
Chicago, Illinois 60606  
(312) 673-0360  
(312) 673-0361 Facsimile

*Via Federal Express and Electronic Mail*

Attorneys for Defendant  
EOS GMBH ELECTRO OPTICAL SYSTEMS

  
ELIZABETH J. BROWN FORE

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**NOTICE OF DOCUMENT(S) NOT IMAGED**

Civil Case No. A:03-CA-113 SS

Board of Regents, The University of Texas Systems

VS.

EOS GmbH Electro Optical Systems

Attachments to

Document #: 111

Description: Declaration of Philip E. Cook in Support of  
Plaintiffs' Supplemental Markman Brief

Filed By: Plaintiffs

File Date: 11/20/03